

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
TIM & SHERRIECALAWAY
ZONING MAP AMENDMENT REPORT (#FZC-21-18)
DECEMBER 2, 2021**

I. GENERAL INFORMATION

A. Project Description

This is regarding a request by Alex Olson on behalf of Tim Calaway, for a zoning map amendment within the Bigfork Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from *SAG-5 Suburban Agricultural* to *I-1 Light Industrial*.

B. Application Personnel

1. Owners

Tim Calaway
365 River Bend
Bigfork, MT 59911

2. Applicant

Alex Olson
P.O. Box 2291
Bigfork, MT 59911

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

The Bigfork Land Use Advisory Committee (BLUAC) will conduct a public hearing on the proposed zoning map amendment on December 30, 2021 at 4:00 P.M. at the Bethany Lutheran Church located at 8559 MT Highway 35 in Bigfork. A recommendation from the BLUAC will be forwarded to the Planning Board and County Commissioners for their consideration.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on January 12, 2022 at 6:00 P.M. in the second Floor Conference Room of the South Campus Building at 40 11th Street West in Kalispell, MT. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

In accordance with Montana law, the Commissioners will hold a public hearing on January 27, 2022 on the proposed zoning map amendment. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The total acreage of the subject property is approximately 20.02 acres. The property is located just north of Highway 83, Bigfork, MT (see Figure 1 below). The Calaway property is legally described as:

Tract 2 of Certificate of Survey No. 12604, located and being in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and in the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Township 27 North, Range 20 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property (outlined in yellow)



B. General Character of and Reason for Amendment

The subject property contains one tract of land owned by Tim and Sherrie Calaway. The property is currently in agricultural use.

As previously stated the property is currently zoned SAG-5 and the applicant, Alex Olson is proposing I-1. The application states, “I, Alex Olson, have a buy/sell contract on this land owned by Tim Calaway (contingent on zoning change). My intentions are to obtain the neighboring acreage for my storage businesses future growth and to meet the high demand of storage in the area.”

Figure 2: Surrounding zoning of the subject property (outlined in red)

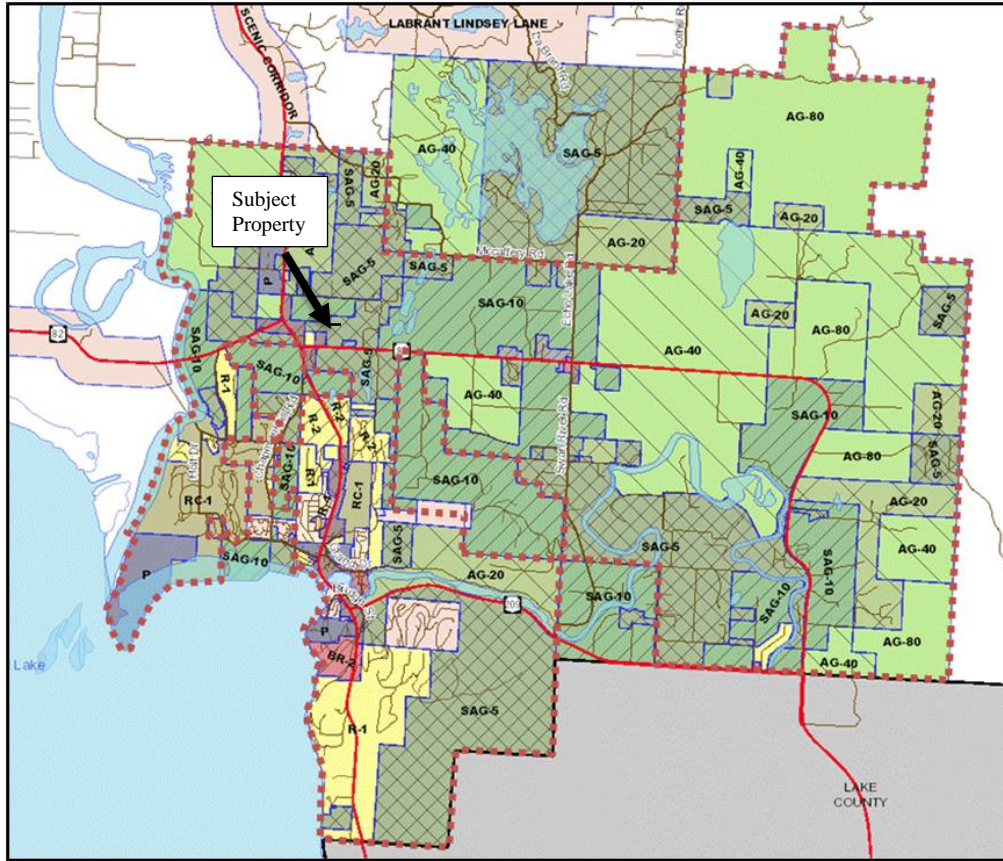


C. Adjacent Zoning and Character of the Overall Zoning District

The property is located in the Bigfork Zoning District. The character of the zoning district in the vicinity of the subject property is suburban agricultural, agricultural, residential and commercial uses to the south and west of the property along Highway 35 and 83.

The property is located approximately one and a half miles north of Bigfork off of Highway 83. To the immediate west and east of the property the zoning is I-1 and B-3. To the north and south of the property is SAG-5. Much of the surrounding properties are small lot commercial, undeveloped or being used for agriculture with the exception of the residential uses located to the north.

Figure 3: Bigfork Zoning District (outlined with red dotted line & subject property outlined in black)



Public Services and Facilities

Sewer: N/A
 Water: N/A
 Electricity: Flathead Electric Cooperative
 Natural Gas: Northwestern Energy
 Telephone: CenturyTel
 Schools: Bigfork School District
 Fire: Bigfork Fire District
 Police: Flathead County Sheriff

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on October 22, 2021:
 - Bonneville Power Administration
 - Montana Fish Wildlife and Parks
 - Bigfork High School District
 - Bigfork School District

- Bigfork Fire District
 - Flathead City-County Health Department
 - Flathead County Road and Bridge Department
 - Flathead County Sheriff
 - Flathead County Solid Waste
 - Flathead County Weeds and Parks Department
 - Montana Department of Transportation
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
- Flathead County Road & Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated October 29, 2021.
 - Flathead County Solid Waste District
 - Comment: “The District requests that all solid waste generated at the proposed location be hauled by a private hauler. Republic Services is the Licensed (PSC) Public Service Commission private hauler in this area.” Letter dated November 2, 2021.
 - Bonneville Power Administration
 - Comment: “At this time, BPA does not object to this request, as the property is located 7.70 miles away from the nearest BPA transmission lines or structures.” Email dated October 25, 2021.
 - Montana Department of Transportation
 - Comment: “Any new access or change in use of an existing access typically requires an approach permit to be approved by the MDT. The owners will need to contact the MDT Kalispell office and complete a Driveway Approach Application & Permit; and an Environmental Checklist. Approaches need to be constructed to MDT’s approach standards, meet sight distance requirements, and no negative effect on the transportation system or adjacent existing accesses. Additional access points may not be granted if they are too close to existing approaches. Access points can also be reduced with joint use approaches that are along adjoining property boundaries. MDT’s first priority is the Safety and Operations of the Transportation System.” Email dated November 2, 2021.
 - Flathead City-County Environmental Health Department
 - Comment: “Environmental Health offers no comment regarding this proposed zone change.” Letter dated November 2, 2021.

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on December 22,

2021. Legal notice of the Planning Board public hearing on this application will be published in the December 26, 2021 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment will be physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A]. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice will include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Bigfork Land Use Advisory Committee public hearing scheduled for December 30, 2021, the Planning Board public hearing scheduled for January 12, 2022, and/or the Commissioner's public hearing scheduled for January 27, 2022. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

The I-1 designation is defined in Section 3.27.010 FCZR as, *'A district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein.'*

The proposed amendment from SAG-5 to I-1 zoning would increase the number of permitted uses from 16 to 49 while reducing the number of conditional uses from 29 to 18.

There are no SAG-5 permitted uses listed as a conditional uses in the proposed I-1 zone.

The following are permitted uses in the SAG-5 zone that are not permitted in I-1.

- Agricultural/horticultural/silvicultural use
- Class A and Class B manufactured homes
- Cluster housing
- Dwelling, single family
- Dwelling Unit, Accessory (ADU)
- Guest House
- Home occupation
- Homeowner's park and beaches
- Produce stand
- Stable, private

The following are conditional uses within the SAG-5 zone but not allowed in I-1:

- Airfield
- Airplane hangars when in association with properties within or adjoining an airport/landing field
- Bed and breakfast establishment
- Camp and retreat center
- Caretakers facility
- Cemetery, mausoleum, columbarium, crematorium
- Community center building operated by a non-profit agency
- Community residential facility
- Dwelling, family hardship
- Extractive industry
- Golf course
- Kennel, commercial
- Manufactured home park
- Riding academy and rodeo arena
- School, primary and secondary
- Short term rental housing
- Stable, public
- Water and sewage treatment plant

The conditional uses allowed within the I-1 but not allowed in SAG-5 are:

- Auction yard, livestock
- Automobile wrecking yard, junkyard, salvage yard
- College, business school, trade school, music conservatory, dance school
- Commercial caretaker's facility in a detached accessory building in conjunction with a business
- Commercial recreation area
- Communication tower/mast
- Convention hall facility
- Golf putting course
- Landfill, sanitary for disposal of garbage and trash

- Mini storage, RV storage
- Mortuary
- Radio and television broadcast station
- Recycling processing plant
- Small wood product processing with five (5) or less employees
- Tavern

The bulk and dimensional requirements within the current SAG-5 zoning require a 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. The bulk and dimensional requirements within the proposed I-1 zoning require a 20 feet setback from the front, side corner and rear and 10 feet from the side. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries for both zoning designations while an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for the current zoning and the proposed zoning. For SAG-5 the permitted lot coverage is 25% and maximum height is 35 feet and for I-1 the permitted lot coverage is not applicable with a maximum height of 40 feet.

The existing zoning requires a minimum lot area of 5 acres. The subject property totals 20.02 acres, three additional lots could be created under the existing zoning. The proposed I-1 zoning requires a minimum lot area of 7,500 square feet therefore approximately 115 additional lots could be created. The requested zone change to I-1 has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are more lenient with the proposed I-1 zoning the amendment and would increase the number of permitted uses while decreasing the number of conditional uses.

B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The proposed zoning map amendment falls within the jurisdiction of the Flathead County Growth Policy, adopted on March 19, 2007 (Resolution #2015 A) and updated October 12, 2012 (Resolution #2015 R). Additionally the property is located within the Bigfork Neighborhood Plan, adopted on June 2, 2009 by the Flathead County Commissioners (Resolution #2208).

Because the property is located in Bigfork Neighborhood Plan which was adopted as an addenda to the Growth Policy land use decisions in the Bigfork Neighborhood Plan area should be guided by the neighborhood plan. The Executive Summary of the Growth Policy states, *“Land use decisions guided by a neighborhood plan should reflect a community’s vision of how they intend to grow in the future. In the absence of a neighborhood plan, land use decisions are guided by the growth policy and existing regulatory documents, as applicable.”* Part 3 of the Preface of the Growth Policy states, *“Neighborhood plans are an important tool for local planning at a level of detail that does not appear in the county-wide growth policy.”*

The neighborhood plan has a future land use map and additional details specific to the Bigfork area that are not found in the Growth Policy as such, land use decision should be based on the review of the neighborhood plan.

The Bigfork Neighborhood Map (Neighborhood Plan) serves as a localized planning tool for the Bigfork area. The Neighborhood Plan was incorporated into the Growth Policy to provide more specific guidance on future development and land use decisions within the plan area at the local level. According to the Neighborhood Plan, *“The goals, policies, and text included herein should be considered as a detailed description of desired land use in the Bigfork Neighborhood Plan Area (BNPA). The Plan should also be used as guidance in adopting zoning ordinances and resolutions that would regulate land use in the BNPA.”*

The applicant states, “I have read the entire Bigfork Neighborhood Plan adopted by the Flathead County Commissioners. The plan talks about previous growth and the expected future growth through 2025. I believe the use of this property would fall right in line with the future of Bigfork.

First, I will address Population and Economics. A storage unit facility is in demand in Bigfork area due to the growth of the area. There are currently only a handful of storage facilities in the Bigfork area and they are full including my facility. This land neighbors my current property and would serve well as future growth for my storage business.

Goal G.3 States that infrastructure must be sufficiently developed to support population and economic development. This use would totally help to support population and economic development.

Goal G4. States, provide for the aging population in the BPA and Policy P.4.1 is encourage, as needed, the establishment of senior citizen facilities. Bigfork has built a new senior citizen facility on Coverdell Rd. A storage facility helps families that are moving into senior citizen facilities with the need to store any items when selling or leaving a home. This is also a very convenient location.

Policy P.5.1 Support an economy that would encourage recreational opportunities, an excellent school system, and an environment that encourages young adults and families to reside in the BPA. Young adults and families often move into new homes over the years as their families grow and, as kids start to leave the home often creating a storage issue at the home. Also, young families in the Bigfork area tend to have many toys such as boats, ATVs, kayaks, etc. due to the access to the lake and mountains nearby. A storage facility only accommodate these lifestyles allowing extra storage space. Also, with many of these new neighborhoods having HOAs that do not allow RV’s, boats and other recreational items to be in front of in the yard of a house; people need a place to store these items when they are not being used. This would also help with that demand. Also, the increase in taxes as the property value increases will help to support a local school district along with the business itself potentially support local schools through donations and sponsorships. We currently are sponsors of the local baseball league and donate a storage unit 6 months a year.

Next, I will address Land Use and Natural Resource Section. Not only is there a high demand for another storage facility, Bigfork has a newer Green Box site that sits

directly on the west side of this business and would be the only neighbor on the west side. A green box site is technically considered heavy industrial. So, not only is there a high demand for another storage facility, I believe this business is the perfect use of land to act as a buffer between the surrounding properties and the green box site. This would make the area much more appealing for a range of different possibilities in the future. Under the conclusion on page 31 of the Bigfork Neighborhood Plan it states the Industrial development should be in areas where the safety and quality of life of Bigfork residents and visitors would not be negatively impacted. The area fits that description perfectly. The neighbor on one side is a green box site which is considered heavy industrial and the neighbor on the north is pasture land used for grazing and haying, there is a highway across part of the south side of this property and there is currently another lot located to the east that is zoned I-1 Light Industrial. The use of land would not negatively impact the life of any Bigfork resident as there are no residences. In fact, it might make the lives of Bigfork residents a little more convenient having such a convenient location for storage and acting as a buffer between the next lots making them more appealing to future possibilities for Bigfork residences.

Also, I am aware of and understand the many goals and policies listed in the Land Use and Natural Resources section of the Bigfork Neighborhood Plan listed under Commercial and Industrial Development along with Environmental Concerns that would have everything to do with the use of land.

I pledge this land will only be used in direct accordance with each of the goals and policies listed in the Bigfork Neighborhood Plan.”

The Neighborhood Plan designates the land use of the subject property as ‘*UR-Urban Residential*.’ Part V Land Uses and Natural Resources defines and states,

Urban Residential - is a range of higher density single-family residential dwellings, duplexes, multi-family dwellings and apartment buildings. This designation is intended for development to be adjacent to and served by public services and community facilities. Sidewalks, shielded streetlights, curbs and gutters are common and appropriate facilities at Urban Residential densities. Examples of typical zoning in this designation would be R-2, R-3, R-4, R-5, and RA-1.

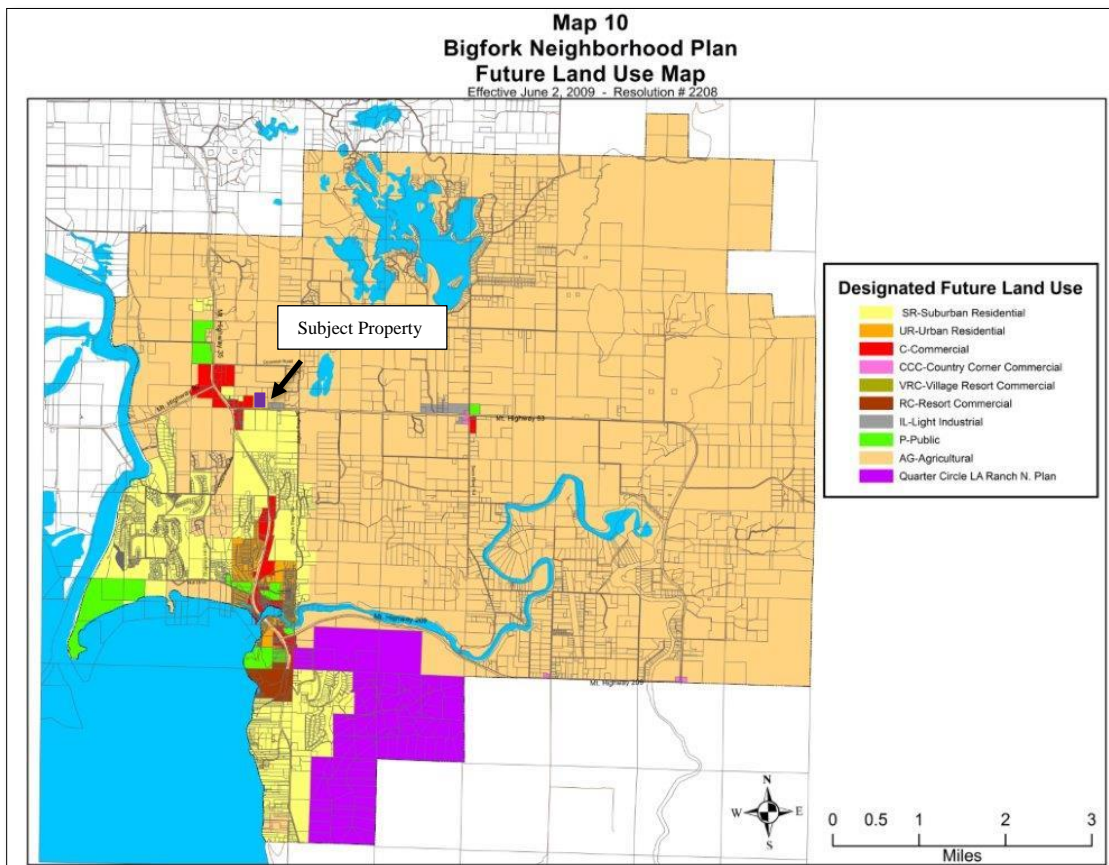
- 1. The R-2 zoning is the smallest lot size that could still possibly be on community water and individual septic systems. This density of septic systems is not to be encouraged, and the R-2 zoning designation should primarily be utilized for large-lot developments on public water and sewer, with site-specific exceptions. R-2 zoning should be used in areas where commercial and public services are available within a short distance, possibly even bicycling distance. The R-2 designation is for areas free of all natural and human environmental constraints.*
- 2. R-3 zoning is intended for areas served by public water and sewer with a distinctly single-family character, where duplexes and higher intensity residential land uses would be out of character with the neighborhood.*
- 3. R-4 zoning is for mixed-density neighborhoods where duplexes and single family residential uses are common, or where mixes of rental and owner occupied single-*

family dwellings would make conversion or construction of duplexes appropriate as infill density.

4. R-5 is for areas similar in character to the R-4 designation, but where even higher densities and infill are desirable to serve a community housing need.
5. Areas of Bigfork where high densities of single-family dwellings and duplexes exist adjacent to or mixed with low-intensity commercial uses are opportunities to utilize the RA-1 zoning. RA-1 zoning should be used to accommodate the broadest spectrum of housing choices and provide adjacent commercial services that will serve a segment of the population that may lack mobility.'

However, the property is located adjacent to the east of the property which the Neighborhood Plan designates as 'Light Industrial'. Part V Land Uses and Natural Resources defines 'Light Industrial' as, "Light Industrial - applies to areas of light industrial use in proximity to major transportation routes. Typical uses would be manufacturing and processing centers, gravel extraction/processing, and product distribution centers, but only when not in proximity to residential areas and where safety, esthetics, or quality of life would be adversely impacted. I-1 and I-1H are examples of zoning for this area, depending on the proximity to a major highway. There are no locations within the Bigfork Neighborhood Plan area that are appropriate for heavy industry based on the goals and policies of the Flathead County Growth Policy."

Figure 4: Bigfork Neighborhood Plan Future Land Use Map



The following goals and objectives of the Neighborhood Plan appear applicable to the proposed Neighborhood Plan map amendment, and generally indicate consistency with the proposal:

❖ **G.2 - Support growth and development in the BPA in a way that protects the character of the area and its natural resources.**

- The property is located in an area designated as Urban Residential however adjacent to the property to the west is the Flathead County green box site which is zoned I-1 and B-3 zoning. Adjacent property to the east is I-1 zoning. Although the proposal would likely protect the character of the area, a more appropriate zoning designation may be I-1H. The uses in both I-1 and I-1H zones are mostly the same however I-1H offers a buffer from Highway 83.

○ **P.2.2 - Alternative economic development should be supported but not to the detriment of the quiet enjoyment of the residents within the BPA.**

The proposed zone change to I-1 would allow the development of the planned storage facility at this location. The property is adjacent to the Flathead County green box site for Bigfork with similarly anticipated traffic and noise levels. This site appears more suited for proposed storage facility and the permitted and conditional uses allowed with I-1 zoning than the residential uses permitted with the current SAG-5 zoning designation.

❖ **G.3 – Infrastructure must be sufficiently developed to support population growth and economic development.**

- The subject property would be accessed from Highway 83 which is a two lane MDT maintained highway. The road system appears to be appropriate to accommodate traffic in a safe manner.

○ **P.8.4 - Prevent construction in flood plains, wetlands and natural drainage areas. Recommend development to conform to terrain, and minimize grading on steep slopes to prevent scarring and erosion.**

- The property is generally flat and does not contain wetlands, mapped floodplains or identified natural drainage areas. There are no steep slopes or the appearance of land unsuitable for development.

❖ **G.9 - Accommodate future commercial development within downtown Bigfork and the commercial area.**

- This report contains a discussion on public facilities and services, and environmental constraints below.

○ **P.9.1 - Support existing commercial centers located at major intersections of arterial routes and provide for limited neighborhood commercial development where appropriate to the neighborhood character.**

- As previously stated, the property is located in an area designated as Urban Residential however it is adjacent to the Flathead County green box site zoned I-1, adjacent I-1 to the east and adjacent to B-3.

○ **P.9.5 - Infill of commercial development is strongly encouraged for efficient use of existing commercial land and infrastructure.**

- ❖ **G.12** - *Maintain the intimacy and human scale of the village atmosphere in the existing Bigfork commercial area, while providing residents with needed services and goods. Prevent strip development and commercial clutter along arterial highways. Development should be designed to have minimal impact on transportation corridors and scenic areas. Development shall not impede traffic flow*
 - **P.12.1** - *Commercial development uses, as defined in the Flathead County Zoning Regulations, should be concentrated in existing commercial nodes and at major intersections of arterial routes. Light and heavy industrial uses shall be so located.*
 - As stated before, the property is located in an area designated as Urban Residential however it is adjacent to the Flathead County green box site which is I-1 zoned, I-1 to the east and B-3. It is also within 0.26 miles of the intersection of Highway 83 and Highway 35 and within 0.6 miles of the intersection of Highway 82 and Highway 35. As the subject property borders Highway 83, the I-1H zoning designation may be more appropriate as that designation will require a buffer from the Highway with site plan review for future development.
- ❖ **G.19** - *Encourage development to follow an overall design that is consistent with the nature, quality, and density of surrounding development.*
 - The property is currently zoned SAG-5, adjacent to the Flathead County green box site, adjacent to I-1 and B-3 zoning, within 0.26 miles of the intersection of Highway 35 and Highway 83 and within 0.6 miles of the intersection of Highway 82 and Highway 35. It appears the proposed storage facility and permitted and conditional uses allowed in I-1 would follow an overall design that is consistent within the nature, quality, and density of surrounding development.

Finding #1: The proposed zoning map amendment generally complies with the Bigfork Neighborhood Plan because applicable goals, policies and text appear to generally support the request and while the proposed I-1 zoning is not described as an appropriate zoning implementation for the ‘*Urban Residential*’ designation, it is in close proximity to both ‘*Commercial*’ and ‘*Light Industrial*’ designations.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject property is located within the Bigfork Fire District and the nearest Bigfork Volunteer Fire Station is located approximately 2.9 road miles south of the property on Grand Drive. The Bigfork Volunteer Fire Department would respond in the event of a fire or medical emergency. The subject property is located within the Wildland Urban Interface (WUI) but is not within a fire district priority area. The Bigfork Volunteer Fire Department did not provide comments on this proposal.

The application states, “Yes, this entire facility will be built out of metal buildings and will be landscaped in a fire-resistant fashion.”

The subject property is located off Highway 83, a paved two lane, MDT maintained highway. The highway appears adequate to provide ingress and egress for emergency services.

According to FEMA FIRM Panel 30029C2305J, the property is located within an unshaded Zone X an area determined to be outside the 0.2% annual chance flood hazard.

Finding #2: The proposed map amendment will not impact safety from fire and other danger because the property is not located in a fire district priority area, is located on a state maintained highway in width which is capable of providing emergency access, the property does not contain any floodplain, the land is an open field with no trees and the Bigfork Volunteer Fire Department did not submit comment on this proposal.

b. Promote public health, public safety, and general welfare;

As previously stated, the Bigfork Fire Department would respond in the event of a fire or medical emergency. The Flathead County Sheriff's Department currently provides and will continue to provide police services to the subject property.

I-1 zoning would allow for similar uses to what already exist in the area and would be a more restrictive zone than the current SAG-5 designation concerning conditional uses and less restrictive concerning permitted uses.

Finding #3: The proposed zoning map amendment would likely not have a negative impact on public health, public safety and general welfare because the property is served by the Bigfork Fire Department and the Flathead County Sheriff and the I-1 zoning would allow for similar uses to what already exist in the area.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

According to the application, "The facility would not use any water or sewerage at all making those items a non-issue. This is also not near any schools or public parks and I believe I will meet all public requirements."

As previously stated, the subject property is located on Highway 82, a paved two lane, MDT maintained highway. The most recent traffic counts from 2020 for Highway 83 at the property indicate an Average Daily Traffic (ADT) of 4,659.

Using standard trip generation, residential uses typically generate 10 vehicle trips per dwelling for single family residential. The property is 5 acres in size and the minimum lot size for the current SAG-5 zone is 5 acres. Therefore, one single family home could be constructed on the subject, which would generate 10 average daily trips.

According to the ITE Trip Generation Manual 5th Edition, Light Industrial uses could generate approximately 35.43 average daily trips per acre for a weekday. The subject property is 20.02 acres therefore the property has the potential to generate 709 average daily trips. The average daily trips for light industrial would cause an increase of approximately 15% on Highway 83.

The Flathead County Road Department indicated no comments regarding the proposal. The Montana Department of Transportation indicated “Any new access or change in use of an existing access typically requires an approach permit to be approved by the MDT. The owners will need to contact the MDT Kalispell office and complete a Driveway Approach Application & Permit; and an Environmental Checklist. Approaches need to be constructed to MDT’s approach standards, meet sight distance requirements, and no negative effect on the transportation system or adjacent existing accesses. Additional access points may not be granted if they are too close to existing approaches. Access points can also be reduced with joint use approaches that are along adjoining property boundaries. MDT’s first priority is the Safety and Operations of the Transportation System.”

The application states, “This facility would not use any water or sewerage at all making those items a non-issue. This is also not near any schools or public parks and I believe will meet all public requirements.” Bigfork Water and Sewer did not submit comment on the proposal. It does not appear as though the proposal would have a negative impact on water and sewerage.

For the proposed I-1 zoning, is not anticipated school aged children will be generate given its permitted and conditional uses.

There are many parks, natural areas, and recreational opportunities within a short drive and the property is not likely to effect the adequate provision of parkland.

Finding #4: The proposed amendments would facilitate the adequate provision of transportation because the Montana Department of Transportation would require an approval for a new approach via Highway 83 and the County Road and Bridge Department had no concerns with the proposal.

Finding #5: The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because further division of land on the subject property would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, there would be minimal impact on parks and the Bigfork School District did not comment on the proposal.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

The application states, “Yes, this facility will have single level buildings that will not obstruct anyone’s views and will not need or disrupt any light or air.”

The proposed I-1 zoning has a minimum lot size of 7,500 square feet and has no applicable lot coverage limits. Setbacks in the I-1 zone are 20 feet from the front, rear and side corner, and 10 feet from the side. The setbacks and area of a lot which can be covered for the proposed zone are less restrictive than the existing zoning. The bulk and dimensional requirements for the I-1 designation have been established to provide for the reasonable provision of light and air.

Finding #6: The proposed zoning map amendment would appear to provide adequate light and air to the subject property because future development would be

required to meet the bulk and dimensional requirements within the proposed I-1 designations.

b. The effect on motorized and non-motorized transportation systems;

As previously stated, the subject property is accessed from Highway 83, a paved two lane, MDT maintained highway. The highway would be utilized as access. The most recent traffic counts taken for Highway 83 indicate an ADT of 4,659 south of the property in 2020.

As noted in the application, “Yes, this facility should have very little impact on any motorized traffic routes and it is a very low traffic type of facility and it is off set from the highway so the turn off is very easy. We will also be adding a second entrance from the highway, As for non-motorized transportation, I recognize the first goal and policies listed in the Land Use and Natural Resources section of the Bigfork Neighborhood Plan under Commercial and Industrial Development are G.11, P.11.1 and P.11.2. This speaks of open spaces, trails and other public areas. I will take this into consideration when planning the site and make an easement along the property borders for future walking and bike trails if requested and also to ensure I am following the goals and policies of the Bigfork Neighborhood Plan.”

According to the ITE Trip Generation Manual 5th Edition Light Industrial uses could generate approximately 35.43 average daily trips per acre for a weekday. The subject property is 20.02 acres therefore the property has the potential to generate 709 average daily trips. The average daily trips for light industrial would cause an increase of approximately .15% on Highway 83. The Flathead County Road Department indicated no comments regarding the proposal. The Montana Department of Transportation indicated a new approach permit would be required for the change in use.

Concerning non-motorized traffic, Map 6.2 Bike and Pedestrian Paths Network, adopted as part of the Flathead County Growth Policy, indicates Highway 83 for a proposed bike/pedestrian path.

Finding #7: Effects on motorized transportation systems will be minimal because the potential increase of traffic on Highway 83 will be 15%, the Montana Department of Transportation would require a new approach permit for the new use, and the County Road and Bridge Department had no concerns with the proposal.

Finding #8: Effects on the non-motorized transportation systems will be minimal because the property will be located by the nearest connector bike/pedestrian path when it is constructed in the future.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The incorporated City of Kalispell, which is the nearest municipality, is located approximately 11 miles northwest of the subject property. The proposed zoning map amendment will not have an impact on urban growth of Kalispell.

Finding #9: The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is located outside the area of influence of the City of Kalispell.

- d. **The character of the district(s) and its peculiar suitability for particular uses;** The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

- i. ***The zoning allows a use that differs significantly from the prevailing use in the area.***

The intent of the current ‘SAG-5 Suburban Agricultural’ zone is to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.

The proposed ‘I-1 Light Industrial’ zone is a district to provide areas for light industrial uses and service uses that typically do not create objectionable by-products (such as dirt, noise, glare, heat, odors, smoke, etc.), which extend beyond the lot lines. It is also intended that the encroachment of non-industrial uses within the district be prevented other than those listed herein.

The properties adjacent to the east are zoned I-1 which allows the same density as the proposed I-1 zoning. The property to the north is zoned SAG-5 which allows the same density as the current zoning. The property immediately to the west is B-3, with the property farther west along Highway 35 being B-3. The B-3 properties are utilized for businesses while the SAG-5 properties are currently used for agricultural purposes and the green box site. The allowed uses and permitted uses in I-1 are similar to the uses that exist within the immediate vicinity of the property.

- ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

The zoning map amendment would apply to one tract of land owned by one landowner and covering approximately 20.02 acres and immediately adjacent land is similarly zoned I-1.

- iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

The subject property is directly adjacent to the Flathead County green box site, B-3 and properties zoned I-1. The uses allowed within the proposed zone would be similar to the existing uses in the I-1 zoning and B-3 zoning designations.

The character of the district around the subject property is suburban agricultural, industrial and commercial. Adjacent to the property to the west is the Bigfork green box site. The property to the north is in agricultural production or open space. The proposed zone change is not likely to be at the expense of the surrounding landowners or the general public.

In summary, all three criteria must be met for the application to potentially be considered spot zoning. The proposed zoning map amendment does not appear to be at risk of spot zoning, as it does not appear to meet all three of the criteria.

Finding #10: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for similar uses existing adjacent to the property.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The applicant states, “I believe this would be one of the most appropriate uses of this land when thinking about the current area and the future of the area.”

The property is located with access to Highway 83. The property to the east is I-1, B-3 to the west and SAG-5 is located to the north. Directly to the west is the Flathead County green box site. The proposal is not likely to impact values of buildings and would likely encourage the most appropriate use of the land in the area.

Finding #11: This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the subject property is adjacent to the Flathead County green box site, and is adjacent to both B-3 and I-1 zoning designations and similarly sized properties.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The location of the proposed zoning map amendment is approximately 11 miles southeast of the nearest municipality of Kalispell and is not included within the City of Kalispell Growth Policy Future Land Use Map, adopted by the City of Kalispell in 2003. The city of Kalispell’s zoning designation is a comparable zoning designation to the county zoning designation of I-1.

Finding #12: The proposed map amendment is not within the City of Kalispell Growth Policy Future Land Use Map and is comparable to the city zoning designation of I-1.

I. SUMMARY OF FINDINGS

1. The proposed zoning map amendment generally complies with the Bigfork Neighborhood Plan because applicable goals, policies and text appear to generally support the request and while the proposed I-1 zoning is not described as an appropriate zoning implementation for the ‘*Urban Residential*’ designation, it is in close proximity to both ‘*Commercial*’ and ‘*Light Industrial*’ designations.

2. The proposed map amendment will not impact safety from fire and other danger because the property is not located in a fire district priority area, is located on a state maintained highway in width which is capable of providing emergency access, the property does not contain any floodplain and the Bigfork Volunteer Fire Department did not submit comment on this proposal.
3. The proposed zoning map amendment would likely not have a negative impact on public health, public safety and general welfare because the property is served by the Bigfork Fire Department and the Flathead County Sheriff and the I-1 zoning would allow for similar uses to what already exist in the area.
4. The proposed amendments would facilitate the adequate provision of transportation because the Montana Department of Transportation would require an approval for a new approach via Highway 83 and the County Road and Bridge Department had no concerns with the proposal.
5. The proposed amendment would facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements because further division of land on the subject property would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, there would be minimal impact on parks and the Bigfork School District did not comment on the proposal.
6. The proposed zoning map amendment would appear to provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements within the proposed I-1 designations.
7. Effects on motorized transportation systems will be minimal because the potential increase of traffic on Highway 83 will be 15%, the Montana Department of Transportation would require a new approach permit for the new use, and the County Road and Bridge Department had no concerns with the proposal.
8. Effects on the non-motorized transportation systems will be minimal because the property will be located by the nearest connector bike/pedestrian path when it is constructed in the future.
9. The proposed zoning map amendment would not affect urban growth in the vicinity of Kalispell because the map amendment is located outside the area of influence of the City of Kalispell.
10. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zone change would allow for similar uses existing adjacent to the property.
11. This proposed zoning map amendment appears to conserve the value of buildings and encourage the most appropriate use of land in this location because the subject property is adjacent to the Flathead County green box site and adjacent to both B-3 and I-1 zoning designations and similarly sized properties.
12. The proposed map amendment is not within the City of Kalispell Growth Policy Future Land Use Map and is comparable to the city zoning designation of I-1.

II. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal to generally comply with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: LM